

SCHEPPS STORY
BLOW AT BECKER

continued from First Page.

dodging detectives in the Catekill and his journey among admiring citizens in Hot Springs had given him a kind of reputation second only to that of Rose.

He was nervous at first. His sharp eyes squinted behind his nose glasses and his glances darted sidewise. He twisted his fingers together and tried to cross them by the court officer who stands at the witness chair.

He wore a blue suit, a black four-in-hand tie and black low shoes and he carried his legs, a proceeding frowned upon by the court officer who stands at the witness chair.

As the day went on he lost much of his nervousness and controlled his tendency to fidgeting, but he became more and more dignified and more and more determined that counsel for the defense should not get the better of him.

Questioned by Mr. Moss.

Assistant District Attorney Frank Moss conducted the direct examination. The testimony was:

Q. Where do you live? A. Hot Springs, Arkansas.

Q. What is your business? A. Portrait painter.

Q. Do you know Jack Rose? A. Yes, for fifteen or eighteen years.

Q. Did you ever meet the defendant Becker and where? A. At the Lafayette Hotel.

Q. Ever again? A. Yes, at the Sam Paul hotel.

Q. Did you ever carry to him a message from Jack Rose? A. Yes.

Q. What was it? A. That Rose would meet him at the Union Square Hotel.

Q. Were you at Dora Gilbert's house on July 15? A. Yes.

Q. What were you doing there? A. I was asked to go there by Rose to get an affidavit for Becker.

Then he said that after leaving Dora Gilbert's he drove with his friends to Sharkey's, where the gray car was called by telephone.

Q. Who drove it? A. William Shapiro.

Q. Who got in that car? A. Vallon, Rose and myself.

Q. What did you do then? A. We went up to Seventh avenue and 14th street.

Q. What did you do next? A. I stepped out and pressed the bell of Baker and Harris' apartment. Dago Frank put his head out of the window and we went in.

He got in the machine and we went to Forty-second street and Sixth avenue.

Q. Who did you find there? A. Sam Paul, Lettie Louie, Whitey Lewis and Gyp the Hood. Webber excused himself and said he would be back shortly.

Q. Did he return? A. Yes, he said Rose was at the Metropole.

Left Behind by Gunmen.

Q. What was done then? A. They left the room.

Q. Who left? A. Gyp, Lettie Louie, Whitey Lewis and Dago Frank.

Q. What did you do? A. I stayed in the room.

Q. How long? A. About fifteen minutes.

Q. In what direction did you then go? A. I went into the Times Square drug store and purchased a soda. A short time after I got there I heard four shots.

Q. What did you do? A. I ran in the direction of the shots.

Q. Did you see Lieut. Becker that night? A. Yes, sir.

Q. Where? A. He was riding in an auto with a chauffeur at Sixth avenue and Forty-sixth street at 12 o'clock A. M.

Q. When you ran to the scene of the murder on what side of the street were you? A. On the south side.

Q. Did you meet any one that you knew? A. I met Harry Vallon at the Elks Club.

A great crowd had gathered and the body was lying in the street.

Q. What did you and Harry Vallon do then? A. We went to Fourteenth street, to the house where he lived, and stayed there until 6 o'clock the next morning, when we went to a house at 14th street and Seventh avenue.

Q. What was it that awoke you? A. The entrance of Jack Rose.

Q. After Rose spoke to you and you went to 14th street and Seventh avenue did you see any one? A. Yes, we saw Lettie Louie, Whitey Lewis, Dago Frank and Gyp.

Q. Did you say anything to them? A. They wanted to know when I would bring them the money. I made an appointment to meet them at Fifth street and Eighth avenue.

Q. Where did you see them? A. At Fifth street and Eighth avenue.

Q. Prior to that time had you seen Webber? A. Yes, sir.

Did Not Receive Money.

Q. Did you receive any money from him? A. No, sir.

Q. Did you see anything passed by Webber to any one else? A. I saw Webber pass money to Jack Rose.

Q. Was that the money presented to the gunmen at Fifth street and Eighth avenue? A. Yes, sir.

Q. Who had it? A. Jack Rose.

Q. What did he do? A. He passed it to Lettie Louie.

Q. Did you go away then? A. Yes.

Q. Did Lettie Louie? A. Yes, and took the money with him.

Q. What did you and Rose do? A. We went to the home of Harry Pollok on Riverside Drive.

Q. How long did you stay there? A. I stayed for dinner.

Q. Then where did you go? A. To the Lafayette Hotel.

Q. The next morning what did you do? A. I went to Pollok's and remained about four hours. Then I went downtown and later returned to Pollok's. I stayed until about 10:30.

Q. Where did you go next? A. I went to Lieut. Becker's apartment.

Q. Did Becker say anything else? A. Yes.

Q. Where was that? A. At the Belleclair apartment.

Q. How did you happen to go there? A. Jack Rose sent me.

Q. Repeat the conversation you had with Becker. A. I told Becker that Jack Rose was sick and worried, and that he sent me to him to see what he was going to do. Becker said Rose was not to worry. He said "Don't mind anything. I'll fix it all right. They have to prove who killed Rose before they can convict any one."

Q. Then? A. Then I left. As I was about to leave I pulled out a cigarette and started to light it. Becker said, "Don't light that match; somebody is across the street and if they see a light they will suspect something. They have been trailing me all day."

Becker Had Room Dark.

Q. Was the apartment lighted or dark? A. It was dark.

Q. Did Becker say anything else? A. Yes.

Q. He asked me if the gunmen had been and I told him that they had. Then I left.

Q. Then what did you do? A. I went back to Pollok's.

Q. Did any one arrive while you were at Pollok's? A. No; somebody was there before I got there.

Q. Who was that? A. Mr. Hart.

Q. Who do you mean? A. Attorney John Hart, who was sitting there.

The witness nodded toward John W. Hart, who has been Becker's lawyer since the murder of Rose.

He had no further questions to put to the witness and the direct examination ended at 11:02 A. M., occupying only twenty-seven minutes. Mr. McIntyre began at once a protracted cross-examination. He went at Schepps more

SAM SCHEPPS TESTIFYING



savagely even that he had at Rose and Webber or Vallon.

He brought out first that Schepps was 36 years old, thirty-two of which he had spent in this country, then he catalogued the witness about the alias "Sam Franklin," which Schepps had used in Hot Springs, and about whether or not Schepps had smuggled opium. Schepps testified that he had traveled from Canada into Oregon, but he couldn't give the date. He said that he had been a portrait painter and a manufacturer of jewelry and that he had traveled all over this country and parts of Canada.

Denies Being a Fakier.

"Didn't you sell fake jewelry?" demanded Mr. McIntyre.

"No," said Schepps, leaning toward the lawyer and shooting out each word positively.

"Are you married?"

"Are you living with your wife?"

"No."

"Did she divorce you?"

"Wherever she is, she is not," said Schepps, who was included as were several others that McIntyre sought to put about Schepps's domestic affairs. The witness said he was a close friend of Jack Rose.

"Were you Rose's lobbyist?" asked McIntyre.

"No, I was not," Schepps replied tartly.

Mr. McIntyre wanted to know if Schepps had a place of business in this city, but Schepps insisted he had none here and that his business had been in Yarmouth, Nova Scotia.

"What kind of a place was it?" said the lawyer with a sort of insinuation that if there had been any kind of a place it must have been an illegal one.

"Store, with a plate glass window."

Forgets Where Partner Is.

He testified that he had a partner, and Mr. McIntyre quickly demanded the partner's address. Schepps didn't know it.

"Where does he live, then?"

"Wherever he is, he is not," said Schepps.

Mr. McIntyre wanted to get before the jury that Schepps was a portrait painter and a manufacturer of jewelry.

He then asked Schepps about the incidents preceding the murder. Schepps said he had attended the San Paul cutting, but he had heard no talk of murder. He deftly edged himself out of complicity. He had heard odds and ends of talk, but they were not addressed to him.

Did you say the Rosenkranz has squealed and is going to put us all on the question?"

"No, sir."

He was questioned as to the length of time the Sam Paul crowd spent on their outing.

"I never pay any attention to time, Mr. McIntyre," Schepps said easily.

The cross-examiner tried to make it appear that Schepps had been under arrest in Hot Springs, but Schepps denied this and was supported by District Attorney Whitman.

McIntyre Is Irritated.

"Surely this man's word will not be taken against mine," said Mr. McIntyre, plainly irritated.

He then took Schepps over the incidents of July 14 and 15, the two days preceding the murder, but the watchful Schepps carefully excluded himself from private conversation between Rose and Webber.

"Were you a deaf and dumb party?" shouted the lawyer.

"They never made a confidant of me. When I realized that I wasn't wanted I walked away."

Lawyer had roared at witness and witness at lawyer.

"I object to the insolence of this witness," Mr. McIntyre said to the Court.

"I object to the insolence of counsel to the witness," said District Attorney Whitman.

I object to the insolence of the District Attorney," retorted Mr. McIntyre.

Jurors smiled behind their hands. Taking up the episode of affidavit getting at Dora Gilbert's house, McIntyre bombarded the witness with questions as to his presence there and what he said or did. Schepps was determined to answer questions in his own way, not the way Mr. McIntyre wanted them answered, and every little while Schepps would lean over confidentially to Justice Goff and explain in a low voice (quite inaudible to Mr. McIntyre) why he should have his own way.

Schepps testified that he heard Rose say to Dora Gilbert:

"Now, Dora, do this for it is to help Lieut. Becker."

McIntyre was struggling to get "yes"

or "no" answers, and when he demanded them from Schepps the witness said:

"I'm trying to answer your questions truthfully."

He said that about the only other remark he paid attention to was from Rose: "How much do I owe you for wine?"

Schepps testified that Rose had warned him not to carry a pistol.

"Be sure and don't come down with any guns on you," Rose had said. "You are liable to be framed up."

His testimony so far was exact corroboration of everything that Rose, Webber and Vallon had said about matters of which Schepps could have knowledge. He told an interesting story under the fire of cross-examination about his visits to the gunmen in their home in Southern Boulevard. Sent by Rose, he had made three or four trips to see Lettie, Gyp and Whitey. He had carried money to them.

"What did they say?"

"Everything is all right," he replied. "Thanks for the money."

Schepps would not be driven into "yes" and "no" answers because, as he informed the court confidentially, he couldn't express himself fairly or truthfully when Mr. McIntyre drove him into such corners.

Judge Goff Lets Him Talk.

Many times when the law permitted Justice Goff allowed the witness to answer as he pleased, and Schepps usually put a twist on the answers that gave them an opposite meaning from what Mr. McIntyre was trying to force him to say. After one of these double action replies McIntyre became sarcastic.

"When you are through with your speech I will ask you a question," he said.

Schepps smiled brightly and leaned forward with exaggerated attention.

The jurors were listening to every word that Schepps said. Whatever their notions may have been as to the truth or falsity of his testimony they were plainly amused by his assertiveness and his determination to get his rights.

He went on to testify that on one occasion he gave \$50 to the gunmen and that on another trip he took them \$48. He didn't know where the money came from. He got it from Rose. He had known the Zeiglers and Zeig since long before the murder and he knew they were pretty bad characters.

Questioned about his movements on the night of the murder, he testified about accompanying Rose, Vallon and Dago Frank to Bridge Webber's poker room at Sixth avenue and Forty-second street.

Again Evades Pitfall.

"You stopped there?" asked Mr. McIntyre, strongly emphasizing the "you."

"The automobile stopped there," Schepps said partly.

"Oh, you been correcting my English, are you?" said McIntyre.

He said that Webber asked him to join the crowd in the poker room. While there he heard no talk. Mr. McIntyre again inquired sarcastically whether or not these meetings were deaf and dumb parties, but Schepps, becoming familiar with the procedure, waited placidly until Justice Goff excluded the questions then beamed upon his questioner in a manner that appeared to exasperate Mr. McIntyre thoroughly.

Schepps's testimony about Webber leaving the poker room and then returning with the generally addressed comment, "Herman Rosenkranz is at the Metropole," tallied exactly with that of Rose, Webber and Vallon. Schepps said he didn't know that Webber had gone out to find Rosenkranz. He put on a little corner of the mouth smile at this point which was trying to McIntyre's self-control.

"Don't laugh at me," counsel demanded. "You're treating this matter as a joke."

Assumes Innocent Look.

Schepps assumed a most innocent look and glanced toward Justice Goff, as though to invoke protection from large, rude persons. He said presently that he had remained at the poker room for some minutes and had just stepped into the street when he heard shots. McIntyre put long involved questions, but Schepps said rebukingly, "You'll have to make yourself plainer."

The District Attorney was not exerting his power in protecting Schepps by objections. His favorite trick of a witness seemed to be able to get along without coddling. And whenever Mr. McIntyre got too rough Schepps scolded to the protection of Justice Goff.

He said he had seen the crowd in front

of the Metropole and that he had seen a body on the sidewalk. He had walked on, taking the south side of the street, and had gone to the Times Building drug store for a glass of soda water. Returning to the street, he saw a man, he met Vallon in front of the Elks Club.

"Did Vallon say 'This is no place for us. Let us go downtown'?"

"No, he didn't."

"What did he say?"

"Nothing."

It came out that the morning after the murder Schepps went to see the gunmen to ask them if they had a message for Rose. He sidestepped numerous questions intended to show he was an accomplice.

"You were as innocent as a new born babe," sneered Mr. McIntyre.

Justice Goff tossed that question into the waste basket.

"Did you give them any money that morning?"

"No," Schepps fairly shouted.

"Did you discuss the events of the night before?"

"No," very loudly.

"Did you have a suspicion?"

"I wouldn't say yes," returned Schepps, shaking his head. "I may have reasoned it out."

"Don't you know that you paid the gunmen?" shouted Mr. McIntyre, bending forward and shaking his fist at the witness.

Schepps leaned toward the lawyer and replied, biting off each word.

Gives Lie to McIntyre.

"If you say that, you lie!" he snapped.

The witness instantly turned to Justice Goff and said he wanted to beg the court's pardon for forgetting himself and using ungentlemanly language, but that Mr. McIntyre was very trying. Justice Goff inclined his head gently and saw no necessity for administering a rebuff.

"I want no apology from that thing!" he shouted.

"He wasn't apologizing to you, he was apologizing to the court," said the District Attorney.

Then Mr. McIntyre objected to the witness's insolence and Mr. Whitman objected to Mr. McIntyre's insolence, but Mr. McIntyre objected to Mr. Whitman's insolence and the Justice looked deprecatingly toward the jurors, who seemed to be having a pretty fair time.

Justice Goff ordered a recess at 1:15 P. M. At 2:30 P. M. court reconvened and the cross-examination continued.

Schepps was questioned particularly about the meeting between Becker, Rose and Webber at Seventh avenue and 12th street, when Becker ordered Webber to see to it that Rosenkranz was "croaked."

Didn't Know of Plot.

Schepps said he went with Webber as far as Seventh avenue and a point between 12th street and 14th street, that he saw Lieut. Becker with Rose and Webber but that he heard nothing that was said. His friends had testified that he was not present and that he had waited about a block away. Mr. McIntyre, maybe inadvertently, gave Schepps a chance to slip an explanation into the record and into the ears of the jury.

"When they met Lieut. Becker, I wasn't supposed to be around," he said. "Becker didn't want me to be around, so Rose told me."

"And you didn't know these men were going to murder Herman Rosenkranz?"

McIntyre strove to bring out that Schepps must have heard some of the talk between Rose and Webber as the three drove back downtown in an auto after the meeting with Becker. Schepps said Rose and Webber sat in the big seat of the tonneau and that he occupied one of the two small adjustable front seats in the tonneau. They spoke so that he couldn't hear them, he said. Mr. McIntyre insisted on speaking of the auto as though it had two big seats and a little one, and Schepps insisted on correcting Mr. McIntyre.

Justice Rebukes Counsel.

"Mr. McIntyre," Justice Goff said, "I'm afraid your description isn't accurate."

"Oh, I know more about automobiles than I do about law," said the lawyer.

"Isn't it a fact," he continued, addressing Schepps, "that you have testified as you have testified in order that you may be called as a corroborating witness by the District Attorney?"

Schepps said that wasn't so. Then Mr. McIntyre indicated again that the defense would try to show that Rosenkranz was voluntarily killed by the gambler who accused Becker.

"After the murder didn't you and

Vallon drive away in the murder car?"

he asked.

"No, sir."

"Didn't you put a revolver to Shapiro's head and say: 'If you stall this engine I'll blow the top of your head off'?"

"Did you hear Vallon say: 'Don't stall this engine. Get away from here as fast as you can'?"

"No, sir."

The cross-examination next took up that part of Schepps's testimony (the most important part so far as Becker is concerned) which related only a minute and a half to the night after the murder.

Schepps said that when he tried to get in admission was at first refused and then he spoke over the telephone to Mrs. Becker and said his name was Schepps and that he came from Jack Rose. Lieut. Becker, he said, opened the door for him.

Becker Becomes Alert.

Becker began to scribble questions for Mr. McIntyre to ask the witness. Previously he had not seemed to be very interested in Schepps's story, but when the witness came to speak of the visit to the Becker home the lieutenant became alert.

McIntyre questioned the witness with great particularity about the furnishings and lighting of the Becker apartment. The furniture looked like, he wasn't sure whether the hall was lighted or not, but he was positive that the dining room in which he and Becker talked was dark. Mr. McIntyre hinted that he may call Mrs. Becker to contradict Schepps.

On the cross-examination Schepps repeated almost word for word the language he had on direct examination attributed to Becker, adding, however, that Becker warned him to be careful on leaving the house because he might be followed.

Schepps testified that the dining room faced on Edgecombe avenue and that the Becker apartment was one flight up. He thought the conversation occupied about half an hour. Mr. McIntyre, with his hand made him go over all he could remember of the conversation and then called the jury's attention to the fact that it had taken Schepps only a minute and a quarter to say what he had said to Becker and what Becker had said to him.

Tells of Visit to Rose.

Questioned about his presence in Harry Pollok's apartment, then at Rivera at Riverside Drive and 15th street, on the night Lieut. Becker called to see Rose in Becker's interests, Schepps said he was sitting on a divan in the hall reading a book. McIntyre asked what he had said to Rose next day.

"Did you advise him to surrender?" demanded the lawyer.

"You don't have to answer 'yes' or 'no,' interposed Justice Goff.

"I tried to persuade him," Schepps said. "I told Lieut. Becker that everything would be all right. Becker says he will protect you. I tried to persuade Rose to wait a day or two."

Schepps said he left New York on the Friday morning after the murder. He had gone to see James M. Sullivan, Rose's counsel. He said Sullivan said that Rose had sent a message to Becker, Brown (the name Schepps used sometimes) to "get out of town and keep going until he got somewhere."

Schepps said he went first to Fallburg in the Catekill, then to Kingston, then to Buffalo, then to St. Louis and finally to Hot Springs, arriving on July 25.

Denies Exonerating Becker.

Mr. McIntyre cross-examined Schepps about his conversation with citizens of Hot Springs, trying to bring out that Schepps had exonerated Becker in speaking to James L. Graham. Graham had an opportunity to appear as a witness before the commission appointed by Justice Bischoff to take testimony in Hot Springs, but refused to do so. Schepps said he didn't know where he was never talked to a man of that name.

He was asked about a man named Berg-holtz, one of the witnesses found by Lawyer Hart in Hot Springs.

"He has been a prisoner in New York for twenty years," said Schepps.

Mr. McIntyre angrily demanded that the statement be stricken from the record. The scales of justice were tipped in favor of the commission was handed to Justice Goff. The Justice permitted counsel for the defense to use it for the purpose of trying to establish a foundation for cross-examination. Schepps on contradictory statements. Mr. Hart conducted this inquiry and constantly gave an opportunity to slip in remarks favorable to the prosecution's case.

Schepps's memory was very exact on what he had said to Douglas Hotchkiss, acting Mayor Pettit, J. L. Sullivan, Police Captain Howell, Postmaster Johnson and others with whom he talked in Hot Springs. The District Attorney said after the session was over that Schepps had made truthful replies.